



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,374	12/15/2000	Toshikazu Funahara	36856.414	9810

7590. 09/17/2003

KEATING & BENNETT LLP  
Suite 312  
10400 Eaton Place  
Fairfax, VA 22030

EXAMINER

KINKEAD, ARNOLD M

ART UNIT PAPER NUMBER

2817

DATE MAILED: 09/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/738,374	FUNAHARA ET AL.
<b>Examiner</b>	<b>Art Unit</b>	
Arnold M Kinkead	2817	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 06-13-03.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-4, and 6-19 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 10-19 is/are allowed.

6) Claim(s) 1-4 and 6 is/are rejected.

7) Claim(s) 7-9 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 13.

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: *Arnold M Kinkead*

## DETAILED ACTION

### *Claim Objections*

1. Claim 9 is objected to because of the following informalities: In claim 9, “ circuit substrate” should be – circuit substrate wall–. Appropriate correction is required.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-4, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kondo et al(US 5,949,294).

The reference by Kondo et al discloses a piezoelectric unit, see figures 10—16, comprising a circuit substrate, made of a plurality of sheets(layers), see figure 16, showing circuit substrate(1c) with centrally located cavity and wall(with electrodes(14a-d). An oscillator circuit(active element,2) is shown. A resonator(vibrator) package (3)is overlaid on the substrate (1c) and connections to the circuit substrate being made by way of electrodes(11a-d) ; Thermosetting resin(adhesive, A) is used as the solder to bond the resonator package to the substrate(see figure 16). Note electrodes in figures 7, and 10, (16i,16f,16b, and 16m) at the bottom surface of the substrate circuit.

*Response to Arguments*

3. Applicant's arguments with respect to claim 1-4 and 6 have been considered but are moot in view of the new ground(s) of rejection.

*Allowable Subject Matter*

4. Claims 7, 8 and 9 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The oscillator unit with varactor diode, multiplayer capacitor, and chip resistor was not suggested. A shield case with plate on said case was not suggested, as well as the bottom surface electrodes being connected with top surface electrodes by way of via holes.

5. Claims 10-19 allowed.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Arnold M Kinkead whose telephone number is 703-305-3486. The examiner can normally be reached on Mon-Fri, 8:30 am -5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pascal can be reached on 703-308-4909. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

Art Unit: 2817



Arnold M Kinkead

Primary Examiner

Art Unit 2817

Arnold Kinkead

Sept. 8, 2003